

ENTERED

June 10, 2021

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

CHLOE M. MEEKS, on behalf of Z.M.B.,

Plaintiff,

VS.

ANDREW SAUL,
Commissioner of the Social Security
Administration,

Defendant.

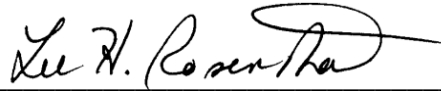
CIVIL ACTION NO. H-20-286

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION, DENYING THE
DEFENDANT’S MOTION FOR SUMMARY JUDGMENT, GRANTING THE
PLAINTIFF’S MOTION, AND REMANDING**

This court has reviewed the United States Magistrate Judge’s Memorandum and Recommendation on the cross-motions for summary judgment signed on April 27, 2021, and made a *de novo* determination. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1)(C); *United States v. Wilson*, 864 F.2d 1219 (5th Cir. 1989). Based on the pleadings, the record, and the applicable law, the court adopts the Memorandum and Recommendation as this court’s Memorandum and Order. This court finds and concludes that the Appeals Council erred in denying Z.M.B.’s request for review despite newly submitted evidence, and that the court cannot determine whether Z.M.B. was prejudiced by that error or whether the denial of benefits decision was based on substantial evidence. The plaintiff’s motion for summary judgment, (Docket Entry No. 13), is granted; the Commissioner’s motion for summary judgment, (Docket Entry No. 12), is denied. This matter is remanded with instructions to further develop the record consistent with this order.

An order of remand is separately entered.

SIGNED on June 10, 2021, at Houston, Texas.

A handwritten signature in black ink, reading "Lee H. Rosenthal". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Lee H. Rosenthal
Chief United States District Judge